



HQ CIVIL WORKS ENGINEERING and CONSTRUCTION NOTES

Volume III Number 13

9 November 1998

Notes from Carl Enson, Chief, Engineering and Construction Division

This will be the last issue of the HQ Civil Works Engineering and Construction Notes as you know it. Starting now, my staff will be working with Dwight Beranek's staff in Military Programs to publish a monthly Headquarters Engineering and Construction Notes, which will include both Civil Works and Military Programs items. The first issue of the new notes is scheduled for publication by E-mail and on the Internet on 1 December.

On the program execution side, our Fiscal Year 1998 results in Private Sector Contracting exceeded our programmatic goals. The final percentages were 43% for Planning and 47% for Engineering. Because all MSC's exceeded their targets, each MSC and District should review their contracting schedules and expenditures in order to come closer to their targets this year. On our other CMR indicators, we made our goal for construction awards for the first time in several years; however we fell short on design completions. The short fall in design completions could effect our construction awards for Fiscal Year 1999. The MSC should review the status of all design work when scheduling design completions and construction awards for this year. On the construction side, Corps-wide we were within the targeted range for S&A. In all the areas some Divisions did better than other Divisions. The Divisions made their goals should keep up the good work. The Divisions that fell short should strive to make their goals for Fiscal Year 1999.

I encourage each Engineering and Construction supervisor to become familiar with the

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Consolidated Command Guidance (CCG), which is the framework for the Corps mission execution for the next several years. When working with the CCG, it is important to remember our technical functions. We must insure that our mission execution includes maintaining a high quality of products that help our customer succeed in accomplishing their mission and provides for development of our workforce to meet future mission requirements.

This year the MSC's will be making hard financial and organizational decisions as part of the Regional Business Centers process. Reductions in project operating funds to support additional maintenance work to reduce the maintenance backlog will cause some Division to have to consider and possibly implement Water Control Regionalization. At this time, any action

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on Water Control Regionalization will be left to the Division Commander.

Recently, there has been some public debate regarding the Corps policy of considering non-engineers as Program and Project Managers. Two retired CECW-E employees raised this issue in a "Forum" article in the October issue of Civil Engineering magazine. Debate of issues of interest to our profession and organization is healthy, and gives us the opportunity to challenge our long-held beliefs as we move into the future of our organization and profession. I suggest that you maintain an open mind while examining the future of our organization and its missions. I further suggest that we continue our debate internally and in a constructive way, to focus on solutions for the organization; that is the leadership we expect for from our first-class cadre of engineers. Regardless of our selection policies for positions, our commitment to the professional practice must not and will not be diminished. As we continue to examine these issues, I encourage you to raise your ideas to your organizational management. If you do wish to participate in debate in a public forum, you must ensure that your own personal opinions are not presented as the official position of our organization.

I had a number of visitors from the field during the last month including Steve Stockton, CESP-ET; Ed Middleton, CESAJ-EN; and Gregory Baer, CESAD-ET-E. I encourage each of you to stop by and visit with the Engineering and Construction Division staff when in Washington. [Enson, (202) 761-0215]

CURRENT NEWS FROM CW-E

Annual ASDSO Conference

I recently had the opportunity to attend the Association of Dam Safety Officials (ASDSO) Annual Conference held last month in Las Vegas, NV. I was extremely proud of the 14 presentations made by Corps Staff from all levels of the organization. There were approximately 35 individuals from the Corps' Dam Safety Community representing all MSC's, CETEC, CEHEC and CERL. Not only is our participation in this Conference an excellent way to show the other Federal Agencies and the non-Federal community what the best Dam Safety Program in the world is doing, but is also an excellent way for us to see what they are doing. We all reap great benefits from this sharing of experiences, new products and networking with several hundred other dam safety professionals. I also want to thank the Los Angeles District for their work in constructing and manning the Corps Booth in the Exhibit Hall along with all the other Engineering Firms. It was well received. I strongly encourage continued participation in this annual event. Not only attend, but also make every effort to be a presenter. [Phil Brown, (202) 761-4536]

DCAF Bulletin 98-10, Sampling and Field Testing of Freshly Mixed Concrete

A new DCAF on Freshly Mixed Concrete sampling and testing has been published and is available on the web at <http://www.hq.usace.army.mil/comp/c/comp-c.htm> in the library section. Please notify CEMP-EC of corrections needed in E-mail distribution lists for Construction

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Bulletins, DCAF Bulletins, Code Forums, and A-E Contracting Bulletins.
[Massihi, (202) 761-1380]

Mandatory Centers of Expertise Proponent Meeting

The Corps-Wide Centers of Expertise Program regulation, ER 1110-1-8158, requires that all MCX be initially certified within six months. A 10 August 1998 letter was issued, announcing this regulation. That means that existing MCX must be initially certified by 10 February 1999. A meeting of HQUSACE MCX Proponents is scheduled for 5 November 1998, to discuss the procedures and process for initial certification of existing MCX under the new regulation. All MCX Proponents have been invited. A similar meeting for Directory of Expertise (DX) Proponents will follow shortly. [Bank, (202) 761-1660]

Brownfields Initiative

We are seeing a lot of progress with the Brownfields initiative. At a recent Brownfields conference for the Showcase Communities, sponsored by the National Association of Local Government Environmental Professionals, the Corps was viewed (with HUD, EPA and the Economic Development Administration) as one of the key agencies vital to the success of the effort. The Deputy Director of Civil Works addressed the group and presented a forceful talk on how bringing the Corps into their efforts through the Civil Works authorities can create “win-win” situations. He cited the St Paul Flood Control as an example of how solving a flood control problem can also serve as a key element in a Brownfields redevelopment effort.

Thanks to those of you that were involved in the “year end” exercise that resulted in over \$3M in Brownfields work from EPA. EPA has funded us at \$5.2M this year to assist the Showcase Communities and other elements of the initiative. Producing good products, on time (primarily environmental site assessments and project development work) will be a key element we plan to monitor closely in the next few months.

The Corps will have a good presence at Brownfields '98 in Los Angeles on 16-18 Nov. MG Sinn, CDR NAD, will talk at the opening plenary. Bob Dempsey, MVP, is talking on the session on “Waterfront Jewels: Diamonds in the Rough. We have developed a Corps Brownfields exhibit and are developing a panel with HUD to demonstrate the Corps/HUD partnership in the urban environment. We plan to end the conference with a Corps Brownfields Coordinators workshop aimed at focusing our efforts for the next year.

Right now we are looking at involvement in three areas. These are Brownfields assessment, cleanup and redevelopment as: (1) a part of the Corps water resources mission; (2) a part of our Support for Others Mission in support of other federal agencies and state and local governments; and, (3) in response to direct Congressional authorizations (either as part of a Water Resources Development authorization bill or as part of another an act). [Bickley, (202) 761-8892]

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ETL 1110-2-557, Ground Improvement for Civil Works Structures and Facilities

This new ETL provides general guidelines for (1) evaluation of site and soil conditions, (2) selection of improvement methods, (3) preliminary cost estimate, (4) design, (5) construction and (6) performance evaluation for ground improvement. The ETL will be available electronically on Internet by the end of November 1998. Anyone interested in obtaining an advance hard copy of this ETL please CECW-EG. [Chang, (202) 761-0419]

CW-E INFORMATION

Annual HQUSACE/AGC Meeting

The annual meeting between the Corps of Engineers and the Associated General Contractors of America (AGC) was held on 20 August 1998 in Washington, DC. Present at the meeting were LTG Joe Ballard, Chief of Engineers, MG Al Genetti, Deputy Commander, Mr. Peter Wert, President of the AGC, and other senior leaders from the Corps and the AGC. After both LTG Ballard and Mr. Wert provided opening comments Mr. Bill Brown and Mr. John D’Aniello provided overviews of the FY99 Military and Civil Works Construction programs, respectively. The various issues discussed by the Corps and AGC were broken down into several broad areas: contracting, legal, contract administration, information management and safety.

Contracting issues included FAX bids, Central Contractor Registration, Hired Labor accounts and Electronic Bid Sets. The AGC would like the Corps to pursue a change to the FAR which would allow bid modifications by FAX without the requirement for accepting bids in that form. The Corps indicated that they would review this request, however, problems have been experienced with FAX bids and changes prior to the bid opening. The PARC addressed the status of the Central Contractor Registration and indicated that all firms must register, otherwise, they will not be awarded contracts. Mr. D’Aniello addressed the AGC ‘s concerns about utilizing Government forces to perform construction work. He indicated that we were reviewing this issue, however, its use was limited to those projects and sites where it was best for the nation. The AGC was given an overview of Electronic Bid Sets (EBS) and how this and other paperless contracting initiatives will be used in the future. The AGC did request additional time consideration when using EBS because of the newness of the system and the availability of plan rooms to contractors.

Legal issues included the CW Continuing Contracts Clause, Project Labor Agreements, overhead equity and Whistle Blower Laws. Mr. D’Aniello stated that guidance would be forthcoming on the use of the two Continuing Funds clauses in question. However, the alternate clause (EFAR 52.232-5002) would be used for the Continuing Authorities Program. The AGC addressed their concerns on the use of Project Labor Agreements. Mr. Edelman stated that the Corps had little authority to proceed with these especially in light of the fact that guidance from DOD had not been forthcoming. Mr. Edelman also addressed the issue of Overhead Equity. This issue was surfaced in the Mortenson Case, which has been entered into the Court of Appeals for the Federal Circuit. Both the Corps and the AGC noted their respective differences on this issue, which would

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be discussed later. The contractor also expressed concern about abuse concerning Whistle Blower Laws. Mr. Edelman noted that any suspected areas of abuse were investigated.

Within the “Contract Administration” area Value Engineering, Warranty and Contractor Performance Evaluations were discussed. Mr. Mike Holt presented an overview of the VE program indicating that over \$133 million was saved in 1997. Mr. Jim Jones presented a summary of the Warranty PAT efforts and asked for AGC involvement to represent the construction industry, which they agreed to do. The AGC expressed their concerns about the affects of negative performance evaluations. Discussion followed on the effective use of these ratings, updating of the regulation and the ultimate need to perform well to get good ratings. The next broad area of discussion centered on Information Management and miscellaneous topics. LTC Mike Duffy gave an overview of the Y2K issues relating to construction. Mr. Jim Jones gave an update on the implementation of RMS (Resident Management System) and its affect on construction contractors. The AGC stated that Contracting Officers need to be trained in Partnering and more involved in the acquisition process. The PARC agreed with this proposal and indicated she would take some big steps in that direction. Ms. Connie DeWitte then addressed safety trends and issues. Issues discussed included web-based training, maximum operator hours on dredges, accident notification timelines, and drug testing. In summary, the meeting provided an excellent venue to discuss important construction related concerns of both the Corps and the AGC. Minutes of this meeting will be posted on the web page of CEMP-EC.

[James, (202) 761-1419]

DID YOU KNOW

ER 1110-2-100 Update

Sincere thanks are extended to all who reviewed the draft of ER 1110-2-100, “Periodic Inspection and Continuing Evaluation of Completed Civil Works Structures”, particularly those who provided comments and recommendations. The quantity of comments submitted, and the level of effort required to produce the detailed comments as submitted, are indicative of the level of importance of this document to the Dam Safety mission. Many of the comments were related to the recent changes in our business practices, and, recommendations to best incorporate these changes. Although the quantity of comments submitted prohibits individual response, each comment has been reviewed, and will be incorporated in the final document, as deemed appropriate. The final product should be available within the next few months. The POC for future action on this document is Mr. Robert Bank, CECW-EP, 202-761-1660.

[Fulton, (404) 562-5120]

YOU ASKED

Professional Registration

QUESTION: The following question was submitted from the Buffalo District.

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“Over the last several years I have observed a "noted" deterioration for this licensing need. For our organization to be considered, and hopefully respected, as "The World's premier engineering organization", I strongly encourage and support the registration of all our engineering personnel. In that light, I also strongly recommend that all our supervisory personnel within the engineering and construction organizations be licensed professional engineers. I realize that this is blasphemy and contrary to the long-term guidance of the Chief. However an organization OF engineers should BE managed by Engineers. Enough of my soap box.

My question, could you please furnish a listing of ALL positions that require professional registration? I am most interested in those that are required for the Construction-Operations type organizations at the District level. Does the Chief, and Assistant Chief of a Construction-Operations Division require a PE? Are there any additional positions that require registration? I would further recommend that the listing be placed in your NEXT set of Engineering and Construction Notes.”

RESPONSE: In combined organizations, such as an Engineering-Planning Division or a Construction-Operations Division, the division chief position does not require a licensed professional engineer for selection. When an engineer is assigned to such a division chief's position, they are encouraged to maintain their professional license.

Currently there are no positions in a Construction-Operations Division that automatically require a licensed professional engineer. In an Engineering-Planning Division the chief of the Design Branch is required to be a licensed professional engineer.

In an Engineering Division, Construction Division, or Engineering-Construction Division, the division chief is required to be a licensed professional engineer. [Pearre, (202) 761-4531]

Questions are needed by the 15th of the month for the next issue of HQ CIVIL WORKS ENGINEERING NOTES. Questions can be sent by FAX to (202) 761-4002 or by e-mail to Charles Pearre. [Pearre, (202) 761-4531]

DAM SAFETY PROGRAM

Dam Safety Training Resources

During the ASDSO Conference the Interagency Committee on Dams, sub-committee on training met. The committee has been looking into new ways to deliver dam safety training to state agencies and other dam safety professionals. The committee is investigating whether training could be made available through the Internet or through teleconferencing. The committee and ASDSO have posted a list of courses related to dam safety, which are available through universities, federal agencies, and private vendors. This list can be accessed on the ASDSO Interset site at <http://member.aol.com/damsafety/train.htm> . [Rodriguez, (718) 491-8739]

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ASDSO Conference -- A Success

The annual Association of State Dam Safety Officials conference was held in Las Vegas 12-15 October 1998. The Corps was well represented by a variety of presenters, attendees from throughout the organization, a display booth by Los Angeles District, and a meeting room for the National Inventory of Dams. We are encouraged by the level of Corps participation, which demonstrates our continued strong organizational commitment to, and role in, the advancement of the dam safety field. [Bank, (202) 761-1660]

FIELD INFO TO SHARE

Districts are encouraged to submit information for this section in the new notes. Also, tell us your ideas on how HQ CW-E and HQ MP-E can do it better and what you would like to know about. Your information is needed by the 15th of the month for the next issue. [Pearre, (202) 761-4531]

REMINDER

These HQ Civil Works Engineering and Construction Notes are now available on the Internet approximately three days after publication. You can the access the Notes directly at <http://www.usace.army.mil/inet/functions/cw/cecwe/notes/>.